

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

RONALD E. HANCOCK, JR.,

Plaintiff,

:

Case No. 3:10-cv-449

-vs-

District Judge Thomas M. Rose

Magistrate Judge Michael R. Merz

:

MAJOR ERIC PRINDLE, et al.,

Defendants.

REPORT AND RECOMMENDATIONS

This case was filed on December 3, 2010. On January 27, 2011, the Magistrate Judge advised Plaintiff of his obligation to serve process in the case not later than April 2, 2011, under Fed. R. Civ. P. 4(m). As of the date of this Report, Plaintiff has failed to cause the issuance of process or to file USM Form 285's to obtain service by the United States Marshal. Plainly, service will not be completed within the time allowed by Fed. R. Civ. P. 4(m).

It is therefore respectfully recommended that this case be dismissed without prejudice for want of prosecution.

March 19, 2011.

s/ **Michael R. Merz**
United States Magistrate Judge

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(e), this period is automatically extended to seventeen days because this Report is being served by one of the methods of service

listed in Fed. R. Civ. P. 5(b)(2)(B), (C), or (D) and may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F. 2d 947 (6th Cir., 1981); *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985).